

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.,)	
)	
Plaintiff,)	Civil Action
v.)	
)	No. 05-10487-NG
MITT ROMNEY, in his official capacity as)	
GOVERNOR OF MASSACHUSETTS, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

JOINT PROPOSED SCHEDULING ORDER

In accordance with the rulings this Court made during the September 13, 2006 Scheduling Conference with respect to the issues addressed in the parties' Joint Statement Regarding Discovery Schedule and Stipulations of Fact dated September 8, 2006, the Court hereby orders that the following discovery schedule and limitations shall apply in this action.

I. DISCOVERY SCHEDULE

All non-expert factual discovery shall be completed within twelve months of the date of the Court's approval of this Scheduling Order, as set forth below.

Plaintiff shall identify experts and submit any expert reports within 21 days after the close of non-expert factual discovery and defendants shall identify experts and submit required reports within 21 days after the submittal of expert reports by plaintiff. Plaintiff shall submit any rebuttal expert reports within 14 days after the submittal of expert reports by defendants. All depositions of experts shall be completed within 30 days of plaintiff's submittal of rebuttal expert reports.

Motions to amend shall be filed promptly upon learning of the basis for amendment but no later than the close of non-expert factual discovery.

No summary judgment motions may be filed prior to the close of the factual discovery period (which includes the period provided for expert discovery) without prior leave being granted by the Court. Such leave may be obtained by way of a motion seeking leave and attaching the proposed summary judgment motion and supporting papers.

Dispositive motions shall be filed no later than 30 days after the close of expert discovery.

II. CHANGES TO DISCOVERY LIMITS

The parties shall be allowed 30 depositions per side. Each party or group of parties with a common interest may serve up to 25 interrogatories on each other party or group of parties with a common interest. For purposes of the limitation on interrogatories set forth in the preceding sentence, each of the CLF, the Massachusetts Turnpike Authority Defendants, the MBTA Defendants, and the State Defendants shall constitute a party or group of parties with a common interest. The parties may approach the court for changes in these limitations for good cause shown.

Local Rule 26.1(C)'s 25-request limit on Fed. R. Civ. P. 36 requests for admissions shall not apply in this case, and there instead shall be no fixed, preset limit on the number of Rule 36 requests that may be served by any party. However, requests for admissions shall not become an unnecessary burden on any responding party. In that regard, no Rule 36 requests shall be served until six months after the start of the period for factual discovery. In addition, any party may move for a protective order on the

ground that a particular set of requests for admissions is unduly burdensome or relates to irrelevant matters.

This Joint Proposed Scheduling Order was submitted for the Court's approval by the parties listed below on September 22, 2006.

For the Plaintiff,

/s/ Carrie Russell

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For the Massachusetts Turnpike Authority
Defendants,

/s/ Timothy Dacey

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For the MBTA Defendants,

/s/ Dean Richlin

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For the State Defendants,

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This Joint Proposed Scheduling Order is hereby approved and endorsed by the
Court on the date set forth below:

The Honorable Nancy Gertner
United States District Court Judge

Date Approved by the Court: _____